

AMENDED IN SENATE JANUARY 7, 2008

**SENATE BILL**

**No. 911**

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**Introduced by Senator Wiggins**

February 23, 2007

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An act to ~~relating to emergency services~~ amend Sections 5500, 5501, and 5513 of the *Public Utilities Code*, relating to commercial air carriers.

LEGISLATIVE COUNSEL'S DIGEST

SB 911, as amended, Wiggins. ~~Emergency call boxes: public beaches.~~  
~~Commercial air carriers: hot air balloons.~~

(1) Existing law requires the Public Utilities Commission to require every commercial air operator, as defined, to procure, and continue in effect, adequate protection against liability for personal bodily injuries and property damage as a result of an accident, that may be imposed by law upon the operator and upon any person using, operating, or renting an aircraft, as defined, with the permission of the operator.

Existing law, until January 1, 2009, excludes from the definition of commercial air operator a person furnishing or providing transportation by hot air balloon for entertainment or recreational purposes and excludes from the definition of aircraft a hot air balloon furnished or providing transportation for entertainment or recreational purposes. Existing law, until January 1, 2009, imposes specific liability insurance and passenger notice requirements on a person providing such transportation. Existing law, until January 1, 2009, requires that any person providing such transportation comply with any requirement of a city, county, or city and county (local government) that the person obtain a business license as a condition for operating in the jurisdiction of the local government and to prominently display the license as

*required. Whenever a local government requires a business license, any person providing such transportation would, until January 1, 2009, be required to provide to the local government certain evidence of insurance coverage.*

*Existing law imposes a state-mandated local program by requiring local governments, until January 1, 2009, to give reasonable notice of this requirement with any business license renewal notification and to maintain as a public record every business license issued by the local government to any person providing transportation by hot air balloon for hire, for entertainment or recreational purposes, and every currently effective certificate of insurance evidencing the insurance coverage required by the bill. A local government, until January 1, 2009, is authorized to charge a reasonable fee for purposes of carrying out these provisions. Existing law also imposes a state-mandated local program by making it a misdemeanor to fail to obtain and maintain a current valid local business license as required by the bill or to fail to maintain insurance in force as required by the bill.*

*This bill would extend those dates for repeal to January 1, 2013. The bill, in extending those dates, would thereby impose state-mandated local programs for the purposes described above.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for specified reasons.*

*Existing law provides for various emergency communications systems in the state.*

*This bill would state the intent of the Legislature to enact legislation to require the placement of emergency call boxes at regular intervals on public beaches in the state.*

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.*

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 5500 of the Public Utilities Code, as*
- 2     *amended by Section 1 of Chapter 881 of the Statutes of 2004, is*
- 3     *amended to read:*

1 5500. (a) As used in this article, “commercial air operator”  
2 means any person owning, controlling, operating, renting, or  
3 managing aircraft for any commercial purpose for compensation.  
4 “Commercial air operator” does not include any person owning,  
5 controlling, operating, renting, managing, furnishing, or otherwise  
6 providing transportation by hot air balloon for entertainment or  
7 recreational purposes.

8 (b) This section shall remain in effect only until January 1, ~~2009~~  
9 2013, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January 1, ~~2009~~ 2013, deletes or extends  
11 that date.

12 *SEC. 2. Section 5500 of the Public Utilities Code, as added by*  
13 *Section 1.5 of Chapter 881 of the Statutes of 2004, is amended to*  
14 *read:*

15 5500. (a) As used in this article, “commercial air operator”  
16 means any person owning, controlling, operating, renting, or  
17 managing aircraft for any commercial purpose for compensation.

18 (b) This section shall become operative on January 1, ~~2009~~  
19 2013.

20 *SEC. 3. Section 5501 of the Public Utilities Code, as amended*  
21 *by Section 2 of Chapter 881 of the Statutes of 2004, is amended*  
22 *to read:*

23 5501. (a) As used in this article, “aircraft” means any  
24 contrivance used for navigation of, or flight in, the air. “Aircraft”  
25 does not include a hot air balloon furnished or providing  
26 transportation for entertainment or recreational purposes.

27 (b) This section shall remain in effect only until January 1, ~~2009~~  
28 2013, and as of that date is repealed, unless a later enacted statute,  
29 that is enacted before January 1, ~~2009~~ 2013, deletes or extends  
30 that date.

31 *SEC. 4. Section 5501 of the Public Utilities Code, as added by*  
32 *Section 2.5 of Chapter 881 of the Statutes of 2004, is amended to*  
33 *read:*

34 5501. (a) As used in this article, “aircraft” means any  
35 contrivance used for navigation of, or flight in, the air.

36 (b) This section shall become operative on January 1, ~~2009~~  
37 2013.

38 *SEC. 5. Section 5513 of the Public Utilities Code is amended*  
39 *to read:*

1     5513. (a) Notwithstanding any other provision of this article,  
2 any person owning, controlling, operating, renting, managing,  
3 furnishing, or otherwise providing transportation by hot air balloon  
4 for hire, for entertainment or recreational purposes, shall maintain  
5 in force at least one million dollars (\$1,000,000) of liability  
6 insurance for personal injury, wrongful death, and property damage  
7 resulting from the operation of a balloon carrying up to 10  
8 passengers, with additional liability coverage of one hundred  
9 thousand dollars (\$100,000) for each passenger for any balloon  
10 carrying more than 10 passengers. A notice shall be provided to  
11 every passenger that identifies both the insurer providing a policy  
12 of liability insurance to the person providing that transportation  
13 and the amount of insurance coverage provided by that policy.

14     (b) Any person owning, controlling, operating, renting,  
15 managing, furnishing, or otherwise providing transportation by  
16 hot air balloon for hire, for entertainment or recreational purposes,  
17 shall comply with any requirement of a city, county, or city and  
18 county that the person obtain a business license as a condition for  
19 operating in that city, county, or city and county. Whenever a city,  
20 county, or city and county requires a business license, any person  
21 owning, controlling, operating, renting, managing, furnishing, or  
22 otherwise providing transportation by hot air balloon for hire, for  
23 entertainment or recreational purposes, shall prominently display  
24 the license at the person's primary place of business frequented  
25 by customers and potential customers. Whenever a city, county,  
26 or city and county requires a business license, the person shall  
27 provide to the city, county, or city and county, a currently effective  
28 certificate of insurance evidencing insurance coverage as required  
29 in subdivision (a). A new certificate of insurance shall be provided  
30 to the city, county, or city and county, at least annually or whenever  
31 there is a material change in insurance coverage. A city, county,  
32 or city and county shall give reasonable notice of this requirement  
33 with any business license renewal notification. Every business  
34 license issued by a city, county, or city and county to any person  
35 owning, controlling, operating, renting, managing, furnishing, or  
36 otherwise providing transportation by hot air balloon for hire, for  
37 entertainment or recreational purposes, and every currently  
38 effective certificate of insurance evidencing insurance coverage,  
39 shall be maintained as a public record. The city, county, or city

1 and county may charge a reasonable fee for purposes of carrying  
2 out the provisions of this subdivision.

3 (c) Any person who violates subdivision (a) by failing to  
4 maintain insurance in force as required by subdivision (a) is guilty  
5 of a misdemeanor. Any person who violates subdivision (b) by  
6 failing to obtain and maintain a current valid city, county, or city  
7 and county business license issued by the local government  
8 jurisdiction where the person's primary place of business is located,  
9 in accordance with subdivision (b), is guilty of a misdemeanor.

10 (d) This section shall remain in effect only until January 1, 2009  
11 2013, and as of that date is repealed, unless a later enacted statute,  
12 that is enacted before January 1, 2009 2013, deletes or extends  
13 that date.

14 *SEC. 6. No reimbursement is required by this act pursuant to*  
15 *Section 6 of Article XIII B of the California Constitution for certain*  
16 *costs that may be incurred by a local agency or school district*  
17 *because in that regard a local agency or school district has the*  
18 *authority to levy service charges, fees, or assessments sufficient*  
19 *to pay for the program or level of service mandated by this act,*  
20 *within the meaning of Section 17556 of the Government*  
21 *Code. Moreover, no reimbursement is required by this act*  
22 *pursuant to Section 6 of Article XIII B of the California Constitution*  
23 *for certain costs that may be incurred by a local agency or school*  
24 *district because in that regard this act creates a new crime or*  
25 *infraction, eliminates a crime or infraction, or changes the penalty*  
26 *for a crime or infraction, within the meaning of Section 17556 of*  
27 *the Government Code, or changes the definition of a crime within*  
28 *the meaning of Section 6 of Article XIII B of the California*  
29 *Constitution.*

30 ~~SECTION 1. It is the intent of the Legislature to enact~~  
31 ~~legislation to require the placement of emergency call boxes at~~  
32 ~~regular intervals on public beaches in the state.~~